



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,692	11/02/2000	Koji Nakagiri	862.C2037	2829

5514 7590 08/18/2004  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

PENDERGRASS, KYLE M

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/703,692

Applicant(s)

NAKAGIRI ET AL.

Examiner

Kyle M Pendergrass

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-9, 11-15, & 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by *Gabbe et al.* (US 4,928,252).

Regarding claim 7, which is representative of claims 1 & 13, *Gabbe et al.* (US 4,928,252) teaches a determination unit (*Fig. 1, job controller 26*), arranged to determine a combine method of designated pages (*column 5, lines 10-19, lines 57-64, the print request includes instructions concerning the combine method which are used by the job controller 26*); and an editor (*column 5, lines 18-22, 45-50, print symbiont 28 manipulates the print files based on a print request/combine method sent by the job controller 26*), arranged to successively lay out designated pages without any gaps (*column 5, lines 57-58*), lay out designated pages on a new surface (*column 6, lines 17-20*), and lay out designated pages on a new sheet (*column 6, lines 22-23 & 31-33*).

Regarding claim 8, which is representative of claims 2 & 14, *Gabbe et al.* (US 4,928,252) teaches all of claim 7 and teaches a display that displays an input window used to designate the combine method (*The user enters print request at a terminal. The print command receptor 24 transmits to job controller 26. column 5, lines 7-17*).

Art Unit: 2624

Regarding claim 9, which is representative of claims 3 & 15, *Gabbe et al.* (US 4,928,252) teaches all of claim 9, wherein when a one-sided print process is designated, the surface next to the surface on which the last page of the leading job is laid out is a sheet next to a sheet on which the last page of the leading job is laid out (*column 6, lines 22-23 & 31-33*).

Regarding claim 11, which is representative of claims 5 & 17, *Gabbe et al.* (US 4,928,252) teaches all of claim 11 and teaches a printer driver (*interpreter 14*) for making a print engine (*print engine 16*) print the job in a layout corresponding to the designated combine method (*column 5, lines 10-16 & 46-49*).

Regarding claim 12, which is representative of claims 6 & 18, *Gabbe et al.* (US 4,928,252) teaches all of claim 12 and teaches a storage (*print data storage unit 22*) for storing print data in units of print jobs (*column 5, lines 56-58*).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 10 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gabbe et al.* (US 4,928,252) and *Chiarabini et al.* (US 5,963,216).

Regarding claim 10, which is representative of claims 4 & 16, *Gabbe et al.* (US 4,928,252) teaches all of claim 10, including a display, but does not teach a previewer for previewing the print image.

However, *Chiarabini et al.*, teaches a *layout property page 240* arranged to display a preview image of the job on a *monitor 206* (column 9, lines 44-51).

Accordingly, it would have been obvious to one skilled in the art at the time the invention was made to have used the previewer of *Chiarabini et al.*, in the display unit of *Gabbe et al.* Adding the previewing feature of *Chiarabini et al.*, to the display and printing unit of *Gabbe et al.*, would have allowed the user to review the layout of the selected combine method before it is sent to the printer for printing. This would have allowed the user to change the combine method, if desired, saving print time and wasted resources (ink, print media) resulting from printing an undesired layout.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle Pendergrass whose telephone number is (703) 306-3445. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, David K. Moore can be reached on (703) 305-7452. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application of proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.



DAVID MOORE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER